

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 05-80494

v.

District Judge Victoria A. Roberts
Magistrate Judge R. Steven Whalen

ROBERT R. MAPP,

Defendant.

ORDER RE: MOTION FOR DISCOVERY

Before the Court is Defendant's Motion for Discovery [Docket #12], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). Defendant lists numerous items of discovery, but all essentially relate to the three areas where the government is required to provide discovery: (1) information falling within the scope of Fed.R.Crim.P. 16; (2) information falling within the Jencks Act, 18 U.S.C. §3500; and (3) exculpatory information within the meaning of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), and its progeny. See *United States v. Presser*, 844 F.2d 1275, 1285, fn. 12 (6th Cir. 1988) (stating that in most criminal prosecutions, these three rules "exhaust the universe of discovery to which the defendant is entitled").

For its part, the government responds that it has either provided all information

discoverable at this time, or that it does not possess the particular items listed. Based on that representation, the Defendant's Motion will be DISMISSED AS MOOT, with the proviso that the government's disclosure obligations are ongoing, and any information falling within the three categories set forth above which has not been produced shall be produced within the time limits prescribed by law.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: February 10, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 10, 2006.

S/Gina Wilson
Judicial Assistant